

MINUTES

CASE NUMBER: CIVIL NO. 12-00263LEK-KSC
CIVIL NO. 12-00266LEK-KSC
CIVIL NO. 12-00268LEK-KSC
CIVIL NO. 12-00270LEK-KSC
CIVIL NO. 12-00271LEK-KSC

CASE NAME: State of Hawaii, ex. rel. David M. Louie, Attorney General Vs.
JP Morgan Chase & Co., et al.

State of Hawaii, ex. rel. David M. Louie, Attorney General Vs.
HSBC Bank Nevada, N.A., et al.

State of Hawaii, ex. rel. David M. Louie, Attorney General Vs.
Capital One Bank (USA), N.A., et al.

State of Hawaii, ex. rel. David M. Louie, Attorney General Vs.
Bank of America Corporation, et al.

State of Hawaii, ex. rel. David M. Louie, Attorney General Vs.
Citigroup Inc., et al.

ATTYS FOR PLA:

ATTYS FOR DEFT:

INTERPRETER:

JUDGE: Leslie E. Kobayashi

REPORTER:

DATE: 05/14/2014

TIME:

COURT ACTION: EO: COURT ORDER REGARDING PROPOSED DISMISSAL OF
DEFENDANTS IN CIVIL NO. 12-00263 LEK-KSC AND DEFENDANTS IN CIVIL
NO. 12-00270 LEK-KSC

On April 17, 2014, the Ninth Circuit filed an order dismissing the pending appeal with prejudice as to: 1) Defendants JPMorgan Chase & Co. and Chase Bank USA, N.A. (“the Chase Defendants”); and 2) Defendants Bank of America Corporation and FIA Card Services, N.A. (“the BoA Defendants”). [Dkt. no. 121.] On April 29, 2014, counsel for Plaintiff the State of Hawai‘i, ex rel. David M. Louie, Attorney General (“the Attorney General”) submitted a letter stating that the Attorney General intends to file “a Rule 41

Notice of Dismissal with prejudice only of” the Chase Defendants (“4/29/14 Letter”). [4/29/14 Letter, filed 5/2/14 (dkt. no. 122 (court only)).] The 4/29/14 Letter argues that a notice of dismissal is appropriate pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) because the Chase Defendants never filed an answer, and no party filed a motion for summary judgment. The 4/29/14 Letter also argues that this procedure is appropriate even though this Court administratively closed Civil No. 12-00263 on April 16, 2014. [Id.]

This Court agrees with the Attorney General’s assessment of Civil No. 12-00263, and this Court notes that the assessment also applies to Civil No. 12-00270. This Court expressly finds that the April 16, 2014 orders administratively closing those cases, [CV 12-00263, dkt. no. 120; CV 12-00270, dkt. no. 28,] do not preclude the Attorney General from filing the proposed notices of dismissal.

Although the cases are not consolidated, on June 14, 2012, Chief United States District Judge Susan Oki Mollway issued an Order Reassigning Cases (“6/14/12 Order”). [Dkt. no. 33.] The 6/14/12 Order directed that “[a]ll further pleadings and documents [in Civil No. 12-00263, Civil No. 12-00266, Civil No. 12-00268, Civil No. 12-00269, Civil No. 12-00270, and Civil No. 12-00271] shall be filed and docketed in Civil No. 12-00263 LEK/KSC.” [Id. at 3.]

In light of the 6/14/12 Order, this Court DIRECTS the Clerk’s Office that, if the Attorney General files a notice of dismissal as to the Chase Defendants, the Clerk’s Office shall close Civil No. 12-00263, and all further pleadings and documents in the remaining cases shall be filed and docketed in **Civil No. 12-00266**.

This Court notes that the Attorney General’s appeal remains pending as to the defendants in Civil No. 12-00266, Civil No. 12-00268, and Civil No. 12-00271. This Court reminds the parties that they must file a motion to lift the stay within **fourteen days** after the filing of the Ninth Circuit’s opinion ruling on the interlocutory appeal. See, e.g., CV 12-00266, Court Order Administratively Closing Case, filed 4/16/14 (dkt. no. 31). After the case is re-opened and the stay is lifted, this Court will determine whether it is appropriate to terminate the order to file and docket all further pleadings and documents in the remaining cases in Civil No. 12-00266.

IT IS SO ORDERED.

Submitted by: Warren N. Nakamura, Courtroom Manager